

Constitution adopted was made as undemocratic as possible, and was very far from responding to the condition, laid down in the Declaration of 1776, that all governments derive their just powers from the consent of the governed. Hamilton, in a speech to the Convention, stated that the members were agreed that "we need to be rescued from the democracy." They were rescued. Thomas Jefferson unfortunately was absent as our Minister to France and took no part in the Convention, though we owe largely to him the compromise by which the first ten amendments were agreed to be adopted in exchange for ratification by several States which otherwise would have been withheld.

In truth, the consent of the governed was not to be asked. In the new government the will of the people was not to control and was little to be consulted. Of the three great departments of the Government—Legislative, Executive, and Judiciary—the people were entrusted with the election only of the House of Representatives, to wit, only one-sixth of the Government, even if that House had been made equal in authority and power with the Senate, which was very far from being the case. The Declaration of 1776 was concerned with the rights of man. The Convention of 1787 entirely ignored them. There was no Bill of Rights and the guarantees of the great rights of freedom of speech and of the press, freedom of religion, liberty of the people to assemble, and right of petition, the right to bear arms, exemption from soldiers being quartered upon the people, exemption from general warrants, the right of trial by jury and a grand jury, protection of the law of the land and protection from seizure of private property for other than public use, and then only upon just compensation; the prohibition of excessive bail or cruel and unusual punishment, and the reservation to the people and the States of all rights not granted by the Constitution—all these matters of the utmost importance to the rights of the people were omitted, and were inserted by the first ten amendments only because it became imperatively necessary to give assurances that such amendments would be adopted in order to secure the ratification of the Constitution by the several States.

The Constitution was so far from being deemed satisfactory, even to the people and in the circumstances of the time for which it was framed, that, as already stated, only 11 States voted for its adoption by the Convention, and only 39 members out of 55 attending signed it, some members subsequently opposing its ratification. Its ratification by the Conventions in the several States was carried with the greatest difficulty, and in no State was it submitted to a vote of the people themselves. Massachusetts ratified only after a close vote and with a demand for amendments; South Carolina and New Hampshire also demanded amendments, as also did Virginia and New York, both of which voted ratification by the narrowest majorities and reserving to themselves the right to withdraw, and two States (North Carolina and Rhode Island) rejected the Consti-